

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

In re:

EDRA D. BLIXSETH,

Debtor.

No. CV-10-09-BU-SEH

**MEMORANDUM
AND ORDER**

EDRA D. BLIXSETH,

Appellant,

vs.

BEAU BLIXSETH and MORGAN
BLIXSETH,

Appellees.

BACKGROUND

On November 30, 2009, Appellees timely moved in the underlying Chapter 7 proceeding to enlarge the time in which to file a Complaint objecting to

the discharge of one of Appellant's obligations to them.¹ The extension was granted by the Bankruptcy Court by Order of the same date.² Appellant objected to the grant of extension.³ The Adversary Complaint objecting to the discharge was filed on February 26, 2010. Hearing on Appellant's objection to Appellees' motion for enlargement of time was held upon notice on March 2, 2010, and was overruled.⁴ This appeal followed.

ISSUE

The case presents a single issue for review -- Did the Bankruptcy Court (Honorable Ralph B. Kirscher) err in granting Appellees' motion for enlargement of time?

DISCUSSION

No error is shown. No rights of Appellant have been compromised. The motion seeking enlargement of time on its face, particularly paragraph Nos. 1, 2, 3 and 4, demonstrated cause to allow the extension. Judge Kirscher's Order granting the extension, on its face, found cause. After Appellant objected, the matter was again reviewed by the Bankruptcy Court and the objection was

¹ Document No. 11-1

² Document No. 11-2

³ Document No. 11-3

⁴ Document No. 11-4

overruled.

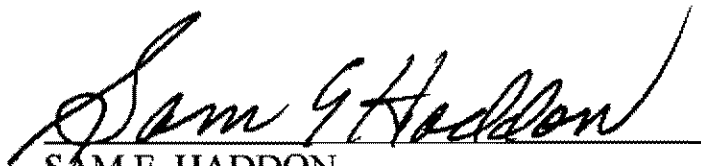
Judge Kirscher's granting of the extension was specifically permitted by Local Bankruptcy Rule 9013(f)(2). Such routine extensions, in any event, are addressed to the discretion of the Court. Id. The initial decision to extend was clearly within the ambit of that discretion. Moreover, Appellant in fact sought and obtained, after notice, a hearing for reconsideration of the extension Order.

The interests of justice are best served by resolution of issues on their merits. Appellant still has available the potential for a favorable result in the pending adversary matter.

ORDER

The decision of the Bankruptcy Court granting the motion for enlargement of time is AFFIRMED.

DATED this 1st day of July, 2011.


SAM E. HADDON
United States District Judge